

Civil Division, USAO Defensive Litigation, U.S. Crts S-D, W-Div

Complainant: Andrew Stephen Drazdik Jr

Respondent:

United States Attorney|Office

Civil Rights Division, Defensive Litigation

"Petition for Review", Defensive Litigation

Professional Employee [5 USC § 7103(a)(15)]

16th August 2021

Issue:

Discrimination of federal employment Department of Education, appeal of adverse action, merit of the United States Courts, that are consistent standards of substantive law for the personnel management system.

When judicial employee(s) shall as a whistleblower under substantive law, Sect. 5 Technical and Conforming Amendments of the Act under controlling laws, investigate abuse and fraud.

When grievance policy, judicial employee acting whistleblower, abrogation of 11th Amendment, U.S. Fed. Const., U.S. Department of Education, adverse action, abridgement U.S. federal employment practice.

2:21-cv-1142

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AUG 27 2021

CLERK, U.S. DISTRICT COURT
FOR THE WESTERN DISTRICT
OF PENNSYLVANIA

No Fee/IFP

BØ11 #4

Related 20-1143

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Controlling laws:

Pub. L. 101-474, 104 Stat. 1097

--- Administrative Office of the United States Courts Personnel Act of 1990

Action in Administrative Office:

Administrative Office of the United States Courts Personnel Act of 1990

Motions (1):

Motions in Other Matters, Fed R Civ P 24(b)(2) permissive intervention...by government officer or agency. See also, Controlling Question of Law, 28 USC 1292 writ of mandamus to stay proceedings, FRE 407 Subsequent Remedial Measures proving control, or precautionary measures (malice, contributory negligence, negligence)

Argument (1): Grievance Policy, Judicial Employee acting whistleblower

Under the prevailing laws of the United States Constitution production of documents when subpoena Duces Tecum investigation for prima facie evidence , FRE 501 Privilege in General voluntary disclosure, writ of mandamus for interest of justice, 28 USC 1631, transfer to cure want of jurisdiction. See, U.S. District Court 28 USC 610, Fed. R. Civ. P. 12(6) Defenses;

i. Investigating Agency Use; Professional Employee, 5 USC § 7103(a)(15)

ii. "grievance" means any complaint— (A) by any employee concerning any matter relating to the employment of the employee; (B) by any labor organization concerning any matter relating to the employment of any employee; or (C) by any employee, labor organization, or agency concerning (i) the effect or interpretation, or a claim of breach, of a collective bargaining agreement; or (ii) any

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claimed violation, misinterpretation, or misapplication of any law, rule, or regulation affecting conditions of employment; 5 USC § 7103(a)(9)

iii. Disclosure of information, 5 U.S.C. 2303 a, when grievance means any complaint, 5 U.S.C. 7103, and "disinterested third party" means a person or organization not reasonably believed to be (1) A suspect in the criminal offense to which the materials sought under these guidelines relate; or (2) Related by blood or marriage to such a suspect; 28 CFR 59.4 Procedures.

Argument (2): Abrogation of 11th Amendment, U.S. Fed. Const., U.S. Department of Education

Under the laws of the United States when the legal and financial right by the Department, accord, U.S. Fed. Const. Art. 1 Sect. 8, when routine governmental action, 15 USC § 78dd-1(f)(3), and foreign official, 15 USC § 78dd-1(f)(1), 31 CFR 900.3 losses due to fraud

Authority: Sect. 204, Labor Management Reporting and Disclosure Act 1959 as amended.

[FR Vol 71 no 106, Friday June 2nd 2006]

Accord, Civil Service Reform Act 1978 (5 USC 7120), and Foreign Service Act of 1980 (22 USC 4117(d)), when Open Meetings (5 USC 552), accord, Administrative Procedures Act, 29 USC 434, Attorney Client Communication Exemption

Compare, Ethics Reform Act of 1989, Pub. L. 101-194, 103 Stat. 116 (1989)

See also, United States District Court. Pro Se form no. 11, Third Party Complaint

Cf, Complainant, 28 U.S. Code Section 351(d)(2) Definition, United. States Courts

Cf, Action by Chief Judge Following Review, 28 USC 352(b), review of complaint

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Argument (3): Adverse action, abridgement U.S. federal employment practice

Under the Civil Service Reform Act 1978 (5 USC 7120), and Foreign Service Act of 1980 (22 USC 4117(d)), when Open Meetings (5 USC 552), accord, Administrative Procedures Act, 29 USC 434, Attorney Client Communication Exemption.

Compare, Ethics Reform Act of 1989, Pub. L. 101-194, 103 Stat. 116 (1989)

Analysis: There are three classes of employee for the civil service, competitive service, Senior Executive Service, and excepted service. The agency actions that support the grievance policy under the budgeted programs of the U.S. government have motives, that the fact and issue when subject matter and venue pray for any writ of execution within a jurisdiction the class of employee under the federal law can expose certain attorney client protections, that are privileged under the law from any Constitutional abridgement.

When judicial review, 3 USC 454, appropriate agency, 28 USC 1296, review of certain agency. Final Decision for court action "Petition for Review" when the United States Attorney for the Government shall cite the controlling laws for the Merit Systems Protection Board under chapter 12 of title 5, U.S. Code.

Review of civil action, venue Fed. Dist. Crts Ch. 85 of Title 28, and Ch. 87 of Title 28. See, Civil Rights, and Elective Franchise Jurisdiction, 28 USC 1343.

Review of civil action, diversity jurisdiction, 28 USC 1332, civil actions of citizens and or aliens of different states. See, Civil Rights, and Elective Franchise Jurisdiction, 28 USC 1343 (See arguments, for conciliation of issue of the United States Courts).

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Equitable Relief:

Under Fair Labor Standards Act (FLSA) recordkeeping requirements,

Cf, Title VII of the Civil Rights Act of 1964 (Title VII)

Cf, Title I of the Americans with Disabilities Act of 1990 (ADA)

Cf, Sections 501 and 505 of the Rehabilitation Act of 1973

See, "Control", 15 USC 80a-2(a)(9), means the power to exercise a controlling influence over the management or policies of a company, unless such power is solely the result of an official position with such company.

---Cross reference, "person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust, any unincorporated organization, or a government or political subdivision thereof. As used in this paragraph the term "trust" shall include only a trust where the interest or interests of the beneficiary or beneficiaries are evidenced by a security. See, 15 USC 77b(a)(2)

See also, Title VII of the Civil Rights Act of 1964, as amended, protects individuals against employment discrimination on the basis of race, color, religion, sex or national origin. The title VII principles of disparate treatment and adverse impact equally apply to national origin discrimination. These Guidelines apply to all entities covered by title VII (collectively referred to as "employer"). See, 29 CFR § 1606.2 - Scope of title VII protection.

Reference, EEOC. Laws, Statutes, Civil Rights Act 1991.

<https://www.eeoc.gov/laws/statutes/cra-1991.cfm>

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U.S. International Trade Commission
500 East Street, S.W.
Washington, D.C. 20436

Affirmation of Complainant:

Under laws of the United States of America for perjury (28 U.S. Code 1746)

Andrew Stephen Drazdik Jr

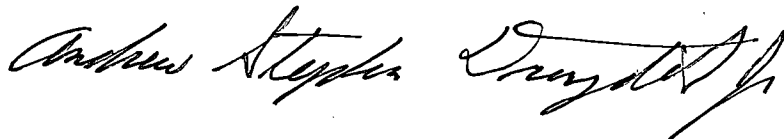
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Selective Service Number 72-0985610-8



Commonwealth of Pennsylvania Sworn to and subscribed before me
County of Westmoreland this 17 day of August 2021



Commonwealth of Pennsylvania - Notary Seal Jasmine Fetter, Notary Public Westmoreland County My commission expires March 2, 2025 Commission number 1306975 Member, Pennsylvania Association of Notaries
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CC:

Civil Division, USAO Defensive Litigation, U.S. Crts S-D, W-Div

U.S. Attorney's Office

Civil Rights Division, Defensive Litigation

Joseph F. Weis, Jr.U.S. Courthouse

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Pittsburgh, PA 15219

Chief Judge Mark R. Hornak, United States District Court

Western District of Pennsylvania

6th Floor, Room 6170

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Chief Judge Mark R. Hornak
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Cover Letter, Brief of the Issue

Defensive Litigation

16th August 2021

Honorable Judge Mark R. Hornak, in regards to the issue of discrimination of federal employment Department of Education, appeal of adverse action, merit of the United States Courts as a Pro Se litigant with the PACER Case Management of the United States Courts may affirm my personal identifiable information, that the same condition of legal recourse under the U.S. Constitution is a concern as my limited paralegal knowledge can attest to your authority as a complainant.

As the Grievance Policy, for Judicial Employee acting whistleblower(s), and Abrogation of 11th Amendment, U.S. Fed. Const., can be reviewed under the authority of the controlling laws of the Administrative Office and United States Courts subject to authorities. Please enter my complaint and communicate any fees of the United States Courts if necessary or any other course of action necessary that as a Pro Se litigant and rules of this procedure due process of law shall privilege.

Respectfully,

Andrew S. Drazdik Jr
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